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TRANSMITTAL LETTER
(General - Patent Pending)

Gae 1616
Docket No.
ARC 2247R1

In Re Application Of: Edgren et al

Serial No.
09/373,352

Filing Date
08/12/99

Examiner
Choi, F

Group Art Unit
1616

Title: Dosage Form Comprising Self-Destructive Membrane

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is:

Reply to Restriction Requirement (response to the Office Action dated April 24, 2000); Postcard for return.

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in the above identified application.

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Dated: 5-23-00

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Edgren, D. et al

Serial No.: 09/373,352

Filed: August 12, 1999

For: Dosage Form Comprising
Self-Destructive Membrane

Group Art Unit: 1616

Examiner: Choi, F.

Reply to Restriction Requirement

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

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REPLY TO RESTRICTION REQUIREMENT

Sir:

This reply is filed in response to the restriction requirement made in the Office Action mailed April 24, 2000. Applicants provisionally elect, with traverse, the subject matter of Group I, encompassed by claims 2-9.

MPEP 806.05(a) describes combinations and subcombinations as follow: "[a] combination is an organization of which a subcombination is a part." It is submitted that at least claim 1 and claims 2-9 are directed to the same combination and are not related as combination and subcombination. Claim 1 includes four elements: semipermeable membrane, plasticizer, peptide and surfactant. Claim 2 includes the same four elements: a member selected from the group consisting of cellulose acylate, cellulose diacylate, and a cellulose triacylate polymer (i.e., a semipermeable membrane), a plasticizer, a peptide and a surfactant. Claim 2 is a more limited recitation of the elements of claim 1, but it is the same organization. Accordingly, claim 1 and claim 2, and the claims dependent thereon, are not related as combination and subcombination. The statement that the subcombination of claims 2-9 have utility as a tablet coating apply to claim 1 as well, and therefor a separate utility has not been demonstrated.

The foregoing analysis applies equally to claim 10 and claims 11-17. Claim 10 includes three elements: a lipophilic-attracting polymer, a flux enhancer, and a surfactant. Claim 11 includes the same three elements: a lipophilic-attracting poly(ethylcellulose) polymer, a flux enhancer hydroxyalkylcellulose, and a surfactant, each described with

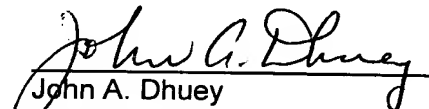
greater particularity than in claim 10. Accordingly, claim 10 and claim 11, and the claims dependent thereon, are directed to the same organization, and are not related as combination and subcombination. Each of those organizations has utility as a tablet coating, and as such their utilities are not separate.

Finally, while the patentability of the subject matter of claims 18-20 may or may not require all of the particulars of the subject matter described with respect to claims 1-9 and 10-17, each of claims 18-20 recites all of the elements of the combined subject matter discussed above. Furthermore, it has not been demonstrated with particularity that the individual groups would be the subject of separate classifications, status or fields of search. It is considered that there would not be an undue burden to search the subject matter of the present application as claimed, and the public will not be served by the issuance of two or more patents on such closely related subject matter.

In view of the foregoing, reconsideration and withdrawal of the restriction requirement respectfully is solicited.

Respectfully submitted,

Dated: 5-23-00


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